

**1:08cv79**

**Defendant.**

**THIS MATTER** is before the court on defendant's Motion to Release Subpoenaed Documents. In accordance with Rule 45, Federal Rules of Civil Procedure, and Local Civil Rule 45.1, the court will direct the Clerk of this court to turn over to counsel for defendant the original subpoenaed records, which shall be deemed confidential. Defendant shall maintain the originals as submitted and is authorized to make two copies: the first for service upon counsel for plaintiff; and the second as a working copy. All parties are further authorized to make additional copies of such portions of those records as may be deemed necessary for the prosecution or defense of this action, but the public disclosure of such materials is forbidden without court approval. Inasmuch as such records appear to be highly

sensitive records of a most personal nature, and there is no other method to protect plaintiff's privacy, the parties may file such portions of those records as are necessary under seal.

The court has also conducted a preliminary review of the now ripe Motion for Summary Judgment. In doing so, a review of the docket reveals that the parties have not filed a mediator's report as required by Local Civil Rule 16.3(C)(3). The parties are respectfully advised that mediation was ordered in this matter and that the court will not reach the summary judgment issue until the parties have exhausted the amicable resolution process. The reason for this requirement is that the court has limited resources and review and disposition of the dispositive motion will take days to accomplish, which could be better spent on matters that cannot be resolved. If the parties have not mediated this case, that should do so promptly as this is precisely the type of matter that can be resolved by the parties.

Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion to Release Subpoenaed Documents (#68) is **GRANTED**, and the Clerk of court is authorized to

turn over to counsel for defendant the documents now in his possession received from South University in this matter;

**IT IS FURTHER ORDERED** that the parties comply with the requirements of Local Civil Rule 16.3(C)(3) by filing a mediator's report and consideration of the summary judgment motion is **STAYED** pending such compliance; and

**IT IS FURTHER ORDERED** that, within 10 days, the parties file whatever additional evidentiary material they deem appropriate to the Motion for Summary Judgment that is derived from the subpoenaed materials from South University.

Signed: December 10, 2008

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Dennis L. Howell  
United States Magistrate Judge

